

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:)	Case No. 22-31521 (JPG)
)	
Timothy J. Zemenski,)	Chapter 7
)	
Debtor.)	Judge John P. Gustafson

**MOTION FOR AUTHORITY TO CONDUCT RULE 2004 EXAMINATION
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes Andrew R. Vara, the United States Trustee for Regions 3 & 9, and hereby requests this Court enter an order requiring Timothy J. Zemenski to appear for an examination pursuant to Federal Rule of Bankruptcy Procedure 2004 and produce the documents identified below. In support, the United States Trustee states the following:

1. Timothy J. Zemenski (the “Debtor”) filed a chapter 7 bankruptcy proceeding on October 7, 2022.

2. The United States Trustee has been investigating this case in order to verify the Debtor’s financial condition. Specifically, the United States Trustee is investigating the Debtor’s income and expenses. The Debtor has asserted that he expected a decrease in income, and the United States Trustee requested documentation substantiating certain of the Debtor’s expenses. To date, although the Debtor has indicated he will be providing documents, the United States Trustee has not received the requested documentation to substantiate the Debtor’s income and expenses.

3. As a result, pursuant to Federal Rule of Bankruptcy Procedure 2004, the United States Trustee requests the production of documents. The documents will allow the United States Trustee to determine what, if any, further action may be warranted in this case. Specifically, the United States Trustee requests the production of the following documents:

- a) Copies of all pay advices for the Debtor reflecting all income earned from September 26, 2022 through April 30, 2023.
- b) A copy of the Debtor's filed 2022 federal tax return, including all schedules and supporting documents.
- c) Documentation substantiating the total amounts of the following expenses of the Debtor as listed on *Schedule J: Your Expenses*¹:
 - Line 6a: Electricity, heat, and natural gas expense;
 - Line 7: Food and housekeeping supplies;
 - Line 9: Clothing, laundry, and dry cleaning;
 - Lines 15c / 15d: Vehicle insurance; and
 - Lines 17a, 17b, and 17c: Vehicle payments.
- d) A copy of any child support agreement of the Debtor and/or documentation substantiating the amount of child support to be paid by the Debtor.
- e) Copies of statements from April 1, 2022 through April 30, 2023 for all bank, credit union, or other financial account open during 2022 or 2023 for which the Debtor had signatory authority.

To the extent that any such documentation does not exist, the Debtor should indicate the specific request for which no documentation exists.

4. The United States Trustee requests an order from the Court directing the Debtor to produce to the United States Trustee the documents identified above no later than the close of business on **Tuesday, May 16, 2023** by email to Sharon Nollsch, Paralegal Specialist for the United States Trustee, at sharon.nollsch@usdoj.gov and Lauren Schoenewald, Trial Attorney for the United States Trustee, at lauren.schoenewald@usdoj.gov.

5. The United States Trustee also requests an order of the Court directing the Debtor to appear for a Rule 2004 examination on **Friday, June 2, 2023 at 10:00 a.m.** or such other date

¹ The Debtor filed amended schedules on January 17, 2023. Docket No. 29. However, the amendments failed to include a certificate of service and amended Summary of Schedules and also failed to include a signature on the Means Test Calculation. Because the Debtor failed to correct these deficiencies, the Court entered an order striking the amended schedules from the record. Docket No. 37. The amendments showed substantial changes to the Debtor's income and expenses, and the United States Trustee seeks further clarification of the Debtor's schedules.

as may be mutually agreed upon by the parties. The examination will be recorded and conducted by video according to directions that will be provided.

6. The examination and documentation will allow the United States Trustee to determine what, if any, further action may be warranted in this case.

Wherefore, the United States Trustee requests the entry of an order directing Timothy J. Zemenski to produce the requested documents by **Tuesday, May 16, 2023** and directing Timothy J. Zemenski to appear for a virtual 2004 examination on **Friday, June 2, 2023 at 10:00 a.m.**

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
REGIONS 3 AND 9

By: /s/ Lauren C. Schoenewald
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Certificate of Service

I certify that on April 25, 2023, a true and correct copy of the *Motion for Authority to Conduct Rule 2004 Examination and Request for Production of Documents* and was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Thomas E. Cafferty tcafferty@bex.net, tc01@trustesolutions.net
- Seth Greenhill seth.greenhill@padgettlawgroup.com,
Angelica.Reyes@padgettlawgroup.com;Gina.DeAngelo@padgettlawgroup.com;BKecf@
padgettlawgroup.com
- Lafe Tolliver Tolliver@Juno.com
- Robert B. Trattner rtrattner@ttmlaw.com, rbtlaw2003@yahoo.com
- United States Trustee (Registered address)@usdoj.gov

And by regular U.S. Mail, postage prepaid, on:

Timothy J Zemenski
5115 Keller Road
Walbridge, OH 43465

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern, PA 19355-0701

The Huntington Bank
PO Box 89424
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